



**Comptroller General  
of the United States**

Washington, D.C. 20548

## Decision

**Matter of:** Bulkley Dunton--Reconsideration  
**File:** B-237323.2  
**Date:** November 20, 1989

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### DIGEST

Protest against decision to request new best and final offers (BAFOs) filed after the new closing date was properly dismissed as untimely. Verbal complaint filed with the agency prior to new closing date did not constitute a valid agency-level protest, and thus did not render later protest to General Accounting Office timely, because regulations require such complaints to be in writing.

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### DECISION

Bulkley Dunton requests reconsideration of our dismissal of its protest concerning solicitation no. 2FYP-DO-89-0002N, issued by the General Services Administration (GSA), as untimely. Bulkley claims it filed an agency-level protest with GSA that rendered its later protest to our Office timely.

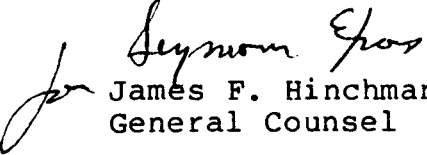
Bulkley alleged in its protest, filed after award to another firm, that GSA improperly reopened negotiations after best and final offers (BAFOs) had been submitted and requested offerors to submit a second round of BAFOs. An objection to a request for a BAFO is viewed as a solicitation impropriety which must be protested no later than the next closing date for receipt of BAFOs. 4 C.F.R. § 21.2(a)(1) (1989); S.T. Research Corp.--Reconsideration, B-235478.2, June 23, 1989, 89-1 CPD ¶ 597. Here, September 19, 1989, was the closing date for receipt of the second BAFOs, but Bulkley did not file its protest with our Office until October 6, after it learned it had not received the award.

Bulkley states that its protest is timely because it made a verbal protest to GSA when the new BAFOs were requested. However, an agency-level protest must be submitted in writing; an oral complaint is not sufficient.

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Federal Acquisition Regulation § 33.101 (FAC 84-40);  
McCracken Realty--Request for Reconsideration, B-232015.2,  
Sept. 1, 1988, 88-2 CPD ¶ 204. Hence, no legally sufficient  
agency-level protest was filed here.

The dismissal is affirmed.

  
James F. Hinchman  
General Counsel